
PART A
GENERAL AND EDUCATIONAL REQUIREMENTS

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WAC 296-307-003 How is this chapter divided? The first three digits of the WAC (296) are the title. The second three digits are the chapter (307). The third number group is the section, which may have three or five digits. The fourth and fifth digits are treated as if there were a decimal point after the third digit.

For example: Section 330 of this chapter includes all five-digit sections whose number begins with 330.

Sections may be further divided as indicated below.

Title-Chapter-Section	296-307-330
	296-307-33003
Subsection	(1)
	(2)
Subdivision	(a)
	(b)
Item	(i)
	(ii)

Note: The chapter is also divided into “parts” according to subject, to make it easier for you to find the information you need.

[Statutory Authority: Chapter 49.17.040 RCW. 98-24-096 (Order 98-13), § 296-307-003, filed 12/01/98, effective 03/01/99. [Recodified as § 296-307-003. 97-09-013, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-003, filed 10/31/96, effective 12/1/96.]

WAC 296-307-006 What does this chapter cover?

- (1) Chapter 296-307 WAC applies to all agricultural operations with one or more employees covered by the Washington Industrial Safety and Health Act (WISHA), chapter 49.17 RCW.

“**Agricultural operations**” means farming and ranching, including, but not limited to:

- (a) Cultivating and tilling the soil;
- (b) Dairy farming;
- (c) Producing, cultivating, growing, and harvesting of any agricultural or horticultural commodity;
- (d) Raising livestock, bees, fur-bearing animals, or poultry; and
- (e) Any practices performed by a farmer or on a farm, incident to or in connection with such farming operations, including but not limited to preparation for market and delivery to:
 - (i) Storage;
 - (ii) Market; or
 - (iii) Carriers for transportation to market. Agricultural operations include, but aren’t limited to, all employers in one or more of the following standard industrial classification (SIC) codes:

WAC 296-307-006 (Cont.)

0111	Wheat
0115	Corn
0119	Cash grains not elsewhere classified, barley, peas, lentils, oats, etc.
0133	Sugar cane and sugar beets
0134	Irish potatoes-all potatoes except yams
0139	Field crops-hay, hops, mint, etc.
0161	Vegetables and melons, all inclusive
0171	All berry crops
0172	Grapes
0173	Tree nuts
0175	Deciduous tree fruits
0179	Tree fruits or tree nuts not elsewhere classified
0181	Ornamental floriculture and nursery products
0182	Food crops grown under cover
0191	General farms, primary crops
0211	Beef cattle feedlots
0212	Beef cattle except feedlots-cattle ranches
0213	Hogs
0214	Sheep and goats
0219	General livestock except dairy and poultry
0241	Dairy farms
0251	Broiler, fryer and roaster chickens
0252	Chicken eggs
0253	Turkey and turkey eggs
0254	Poultry hatcheries
0259	Poultry and eggs not elsewhere classified
0271	Fur bearing animals and rabbits
0272	Horses
0273	Animal aquaculture
0279	Animal specialties not elsewhere classified
0291	General farms, primarily livestock and animal specialties
0711	Soil preparation services
0721	Crop planting, cultivating, and protecting
0722	Crop harvesting, primarily by machine
0751	Livestock services, except veterinary
0761	Farm labor contractors
0811	Timber tracts, Christmas tree growing, tree farms
0831	Forest nurseries
0851	Forestry services-reforestation

“**Agricultural operations**” don’t include a farmer’s processing for sale or handling for sale a commodity or product grown or produced by a person other than the farmer or the farmer’s employee.

- (2) Chapter 296-24 doesn’t apply to agricultural operations.
- (3) All agricultural operations are also covered by the requirements of chapter 296-62 WAC, general occupational health rules.

WAC 296-307-006 (Cont.)

- (4) Occasionally, employees engaged in agricultural operations may also be covered by the safety standards of other industries. Following are excerpts from four industry standards that may help you determine if these other standards also apply:

Chapter 296-54 WAC Safety standards--Logging operations.

WAC 296-54-501 Scope and application.

This standard establishes safety practices, means, methods and operations for all types of logging, regardless of the end use of the wood. These types of activities include, but aren't limited to, pulpwood and timber harvesting and the logging of sawlogs, veneer bolts, poles, pilings and other forest products. The requirements herein contained to not apply to log handling at sawmills, plywood mills, pulp mills, or other manufacturing operations governed by their own specific safety standards.

Chapter 296-99 WAC Safety standards for grain handling facilities.

WAC 296-99-015 What grain-handling operations does this chapter cover?

- (1) WAC 296-99-010 through 296-99-070 apply to:
- Dry grinding operations of soycake;
 - Dry corn mills;
 - Dust pelleting plants;
 - Feed mills;
 - Flour mills;
 - Flat storage structures;
 - Grain elevators;
 - Rice mills; and
 - Soybean flaking operations.
- (2) WAC 296-99-075, 296-99-080, and 296-99-085 apply only to grain elevators.
- (3) Chapter 296-99-WAC doesn't apply to alfalfa storage or processing operations if they don't use grain products.

Chapter 296-78 WAC Safety standards for sawmills and woodworking operations.

WAC 296-78-500 Foreword.

The chapter 296-78 WAC shall apply to and include safety requirements for all installations where the primary manufacturing of wood building products takes place. The installations may be a permanent fixed establishment or a portable operation. These operations shall include but aren't limited to log and lumber handling, sawing, trimming and planing, plywood or veneer manufacturing, canting operations, waste or residual handling, operation of dry kilns, finishing, shipping, storage, yard and yard equipment, and for power tools and affiliated equipment used in connection with such operation. WAC 296-78-450 shall apply to shake and shingle manufacturing. The provisions of WAC 296-78-500 through 296-78-84011 are also applicable in shake and shingle manufacturing except in instances of conflict with the requirements of WAC 296-78-705.

WAC 296-307-006 (Cont.)

Chapter 296-155 WAC Safety standards for construction work.

WAC 296-155-005 Purpose and scope.

The standards included in this chapter apply throughout the state of Washington, to any and all work places subject to the Washington Industrial Safety and Health Act (chapter 49.17 RCW), where construction, alteration, demolition, related inspection, and/or maintenance and repair work, including painting and decorating, is performed. These standards are minimum safety requirements with which all industries must comply when engaged in the above listed types of work.

(5) If rules in this chapter conflict with rules in another chapter of Title 296 WAC, this chapter prevails.
[Statutory Authority: Chapter 49.17.040 RCW. 98-24-096 (Order 98-13), § 296-307-006, filed 12/01/98, effective 03/01/99.
[Recodified as § 296-307-006. 97-09-013, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-006, filed 10/31/96, effective 12/1/96.]

WAC 296-307-009 What definitions apply to this chapter?

“Approved” means approved by the director of the department of labor and industries, or by another organization designated by the department. Also means listed or approved by a nationally recognized testing laboratory.

Authorized person means someone you have approved to perform specific duties or to be at a specific location on the job site.

“Biological agents” means organisms or their by-products.

“Chemical agents (airborne or contact”) means a chemical agent is any of the following:

- Airborne chemical agent which is any of the following:
 - Dust - solid particles suspended in air, generated by handling, drilling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc.
 - Fume - solid particles suspended in air, generated by condensation from the gaseous state, generally after volatilization from molten metals, etc., and often accompanied by a chemical reaction such as oxidation.
 - Gas - a normally formless fluid that can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.
 - Mist - liquid droplets suspended in air, generated by condensation from the gaseous to the liquid state or by breaking up a liquid into a dispersed state, such as by splashing, foaming or atomizing.
 - Vapor - the gaseous form of a substance that’s normally in the solid or liquid state.
- Contact chemical agent which is any of the following:
 - Corrosives - substances that in contact with living tissue cause destruction of the tissue by chemical action.
 - Irritants - substances that on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.
 - Toxicants - substances that have an inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

296-307-009 (Cont.)

“Department” means the department of labor and industries. When this chapter refers to “we” or “us,” it means labor and industries staff responsible for enforcing the Washington Industrial Safety and Health Act (WISHA).

“Director” means the director of the department of labor and industries, or a designated representative.
Employee means someone providing personal labor in the business of the employer, including anyone providing personal labor under an independent contract.

“Employee” means someone providing personal labor in the business of the employer, including anyone providing personal labor under an independent contract.

“Employer” means a business entity having one or more employees. Also, any person, partnership, or business entity with no employees but having industrial insurance coverage is both an employer and an employee. When this chapter refers to “you,” it means the employer or a designated representative.

“Hazard” means a condition that can cause injury, death, or occupational disease.

“Listed” means listed by a nationally recognized testing laboratory.

“Must” means mandatory.

“Nationally recognized testing laboratory” See 29 CFR 1910.7 (federal OSHA requirements).

“Pesticide” means:

- Any substance intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;
- Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and
- Any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own, intended to be used with any pesticide as an aid to its application or effect, and sold in a package or container separate from that of the pesticide with which it’s to be used.

“Safety factor” means the ratio of the ultimate breaking strength of a piece of material or equipment to the actual working stress or safe load when in use.

“Should” or **“may”** means recommended.

“Standard safeguard” means a device designed and constructed to remove a hazard related to the machine, appliance, tool, building, or equipment to which it’s attached.

“Working day”, for appeals and accident reporting, means a calendar day, except Saturdays, Sundays, and legal holidays as defined by RCW 1.16.050. To compute the time within which an act is to be completed, exclude the first working day and include the last.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 03-10-068 (Order 03-05), § 296-307-009, filed 05/06/03, effective 08/01/03. Statutory Authority: Chapter 49.17.040 RCW. 98-24-096 (Order 98-13), § 296-307-009, filed 12/01/98, effective 03/01/99. [Recodified as § 296-307-009. 97-09-013, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-009, filed 10/31/96, effective 12/1/96.]

WAC 296-307-012 What does it mean when equipment is approved by a nonstate organization?

Whenever the department requires that you have equipment or processes approved by an organization such as the Underwriters Laboratories (UL), the Bureau of Mines (MSHA), or the National Institute for Occupational Safety and Health (NIOSH), the approval of that organization is considered evidence of your compliance.

[Recodified as § 296-307-012. 97-09-013, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-012, filed 10/31/96, effective 12/1/96.]

WAC 296-307-015 What must an employer do if a serious injury occurs?

(1) You must report to us within eight hours of an incident that:

- Causes a fatal or possibly fatal injury;
- Involves acute injury or illness from exposure to pesticides; or
- Causes injury requiring in-patient hospitalization of any employee.

To report, you must contact your nearest labor and industries office by phone or in person, or call the OSHA toll-free hotline, 1-800-321-6742.

Exception: If you don't learn of a reportable incident when it happens, you must report it within eight hours of learning about the incident.

(a) Your report must include:

- Establishment name;
- Location of the incident;
- Time of the incident;
- Number of fatalities, hospitalized employees, or pesticide exposures;
- Contact person;
- Phone number; and
- Brief description of the incident.

(b) Fatalities or hospitalizations that occur within thirty days of an incident must also be reported.

(2) If a department investigator asks for assistance, you must assign the employees that the investigator requests.

(3) Don't move any equipment involved in the incident until we complete an investigation.

Exception: You may move equipment to prevent additional incidents, or to remove the victim.

[Statutory Authority: Chapter 49.17.040 RCW. 98-24-096 (Order 98-13), § 296-307-015, filed 12/01/98, effective 03/01/99.

[Recodified as § 296-307-015. 97-09-013, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-015, filed 10/31/96, effective 12/1/96.]

WAC 296-307-018 What are the employer's responsibilities?

You must:

- (1) Provide a safe and healthful working environment.
- (2) Ensure that employees don't use defective or unsafe tools and equipment, including tools and equipment that may be furnished by the employee.
- (3) Implement a written accident prevention program as required by these standards.

WAC 296-307-018 (Cont.)

- (4) Implement a hazard communication program as required by WAC 296-307-550.
- (5) Establish a system for reporting and recording accidents on the OSHA 200 log. (See chapter 296-27 WAC.)
- (6) Provide safety education and training programs.
- (7) Implement the requirements of WAC 296-62-074 through 296-62-07451 to ensure the safety of employees who are exposed to cadmium in the workplace.
- (8) Implement the requirements of WAC 296-307-642 through 296-307-656 to ensure the safety of employees who are exposed to confined spaces in the workplace.
- (9) Control chemical agents.

You must:

- Control chemical agents in a manner that they won't present a hazard to your workers; or
- Protect workers from the hazard of contact with, or exposure to, chemical agents.

Reference: Pesticides are chemical agents and are covered by chapter 296-307 WAC Part I, Pesticides (Worker Protection Standard). Pesticides may also be covered by WAC 296-307-594, Respirators.

- (10) Protect employees from biological agents.

You must:

- Protect employees from exposure to hazardous concentrations of biological agents that may result from processing, handling or using materials or waste.

Note: Examples of biological agents include:

- Animals or animal waste
- Body fluids
- Biological agents in a medical research lab
- Mold or mildew.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 05-01-166 (Order 04-19), § 296-307-018, filed 12/21/04, effective 04/02/05. Statutory Authority: RCW 49.17.010, .040, .050, and .060. 03-10-068 (Order 03-05), § 296-307-018, filed 05/06/03, effective 08/01/03. Statutory Authority: Chapter 49.17.010, .040, .050. 01-17-033, (Order 01-14), § 296-307-018, filed 08/08/01, effective 09/01/01. Statutory Authority: Chapter 49.17.040 RCW. 98-24-096 (Order 98-13), § 296-307-018, filed 12/01/98, effective 03/01/99. [Recodified as § 296-307-018. 97-09-013, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-018, filed 10/31/96, effective 12/1/96.]

WAC 296-307-021 What are the employee's responsibilities?

- (1) Employees must cooperate with you and other employees in efforts to eliminate accidents.
- (2) Employees must be informed of and observe all safe practices.
- (3) Employees must notify you of unsafe conditions of equipment or workplaces.

WAC 296-307-021 (Cont.)

- (4) Employees must use all required safety devices and protective equipment.
- (5) Employees must not willfully damage personal protective equipment.
- (6) Each employee must promptly report any job-related injury or illness to his or her immediate supervisor, regardless of the degree of severity.
- (7) Employees must not engage in any activity unrelated to work that may cause injury to other employees during the course of performing work assignments.
- (8) Employees must attend any required training and/or orientation programs designed to increase their competency in occupational safety and health.
- (9) Employees must not report to work under the influence of alcohol or controlled substances. Alcohol or controlled substances must not be brought on the worksite.

[Recodified as § 296-307-021. 97-09-013, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-021, filed 10/31/96, effective 12/1/96.]

WAC 296-307-024 How does an employer apply for a variance?

- (1) If you find that it's impractical for you to comply with specific requirements of this standard, we may permit a variation from the requirements. However, you must still provide equal protection by substitute means and comply with the requirements of chapter 49.17 RCW and chapter 296-350 WAC, variances.
- (2) On the variance application you must certify that you have posted a copy of the written application in a place reasonably accessible to your employees. You must also mail a copy of the application to any authorized employee representative. The notice must advise employees of their right to request us to conduct a hearing on the variance application. You must notify employees before you apply.

Note: To request a permanent or temporary variance, you may write to: Department of Labor and Industries, WISHA Services, PO Box 44648, Olympia, WA 98504-4648. We will mail you an application form and instruction sheet. We will also send a copy of chapter 296-350 WAC, Variances, if you request it.

[Statutory Authority: Chapter 49.17.040 RCW. 98-24-096 (Order 98-13), § 296-307-024, filed 12/01/98, effective 03/01/99. [Recodified as § 296-307-024. 97-09-013, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-024, filed 10/31/96, effective 12/1/96.]